

PATENT COOPERATION TREATY

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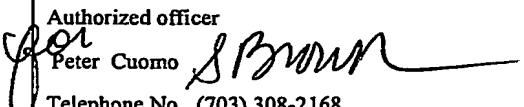
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 965/200PCT		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US04/42077	International filing date (day/month/year) 15 December 2004 (15.12.2004)	Priority date (day/month/year) 15 December 2003 (15.12.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): A47C 7/50; B60N 3/06 and US Cl.: 297/423,2, 423.21, 423.23, 423.28, 423,3 423,37; 296/75			
Applicant BE AEROSPACE, INC.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of ___ sheets.</p> <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 07 October 2005 (07.10.2005)		Date of completion of this report 20 January 2006 (20.01.2006)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer  Peter Cuomo Telephone No. (703) 308-2168	

Form PCT/IPEA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US04/42077

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-9 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 10-12, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the drawings:
pages 1-9, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>2-4, 6-8, 13, 15, 16, 19, and 20</u>	YES
	Claims <u>1, 5, 9-12, 14, 17, 18, and 21</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Industrial Applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 15 is objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: "it" (line 2) should read --said foot bar--.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claims 1, 9-12, and 14 lack novelty under PCT Article 33(2) as being anticipated by U.S. Patent No. 1,435,744 to Santaniello. Santaniello discloses a passenger seat including a frame 6 (Fig. 1), an upwardly-extending seat back (Fig. 1) carried by the frame, a seat bottom 5 (Fig. 1) carried by the frame, a footrest (Fig. 1) disposed forward of the seat bottom and having a foot support surface positioned above a floor with each foot of the occupant in a different longitudinal position relative to the seat bottom, a first block (Fig. 2) of the footrest mounted for longitudinal translation relative to the seat, a second block (Fig. 2) of the footrest mounted for longitudinal translation relative to the seat, and a lateral extending footbar 16 (Fig. 2) being pivotable wherein the first and second blocks are interconnected and include non-slip surface.

Claims 1, 17, 18, and 21 lack novelty under PCT Article 33(2) as being anticipated by U.S. Patent No. 2,481,970 to Bell. Bell discloses a passenger seat including a frame 12 (Fig. 1), an upwardly-extending seat back (Fig. 1) carried by the frame, a seat bottom (Fig. 1) carried by the frame, a footrest 30 (Fig. 1) attached to the seat and moveable between a stowed position (Fig. 1) and a deployed position (Fig. 1), a pair of spaced apart rails (Fig. 3) of the footrest, and a laterally-extending footbar (Fig. 2) disposed between the rails wherein the footrest extends rearward of the seat back to support the feet of a rear-seated passenger above the floor at a level equal to the lower surface of the seat bottom when in the deployed position, the footrest has a resilient support surface, the footrest being disposed forward of the seat bottom of the rear-seated passenger, and having a resilient support surface *capable* of supporting each of a rear-seated passenger's feet at a different height.

Claim 5 lacks novelty under PCT Article 33(2) as being anticipated by JP Patent No. 20035775 to Ito et al. Ito et al. disclose a passenger seat including an enclosure 44 (Fig. 12) with a front wall, opposed top and bottom walls, opposed side walls, a rear opening, and a drawstring that defines a surface to support a passenger's foot, and a means for supporting the enclosure above the floor (see Fig. 8).

Claims 2-8 lack an inventive step under PCT Article 33(3) as being obvious over Bell in view of Ito et al. Bell discloses a passenger seat that is basically the same as that recited claims 2-8 except that the footrest lacks an enclosure. See Figures 1-6 of Bell for the teaching that the footrest has a plurality of fasteners attaching the footrest underneath the bottom of second seat. Ito et al. show a passenger seat similar to that of Bell wherein the footrest includes an enclosure with a front wall, opposed top and bottom walls, opposed side walls, a rear opening, and a drawstring that defines a surface to support a passenger's foot, and a means for supporting the enclosure above the floor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the passenger seat of Bell such that the footrest includes an enclosure with a front wall, opposed top and bottom walls, opposed side walls, a rear opening, and a drawstring that defines a surface to support a passenger's foot, and a means for supporting the enclosure above the floor wherein the top wall of the footrest is attached underneath a bottom of the second seat, such as the passenger seat disclosed in Ito et al. One would have been motivated to make such a modification in view of the suggestion in Ito et al. that the enclosure on the footrest provides a massage support for the occupant's feet.

Claims 13, 15, and 16 lack an inventive step under PCT Article 33(3) as being obvious over Santaniello in view of JP Patent No. 09295534 to Kishi et al. Santaniello discloses a passenger seat that is basically the same as that recited in claims 13, 15, and 16 except that the blocks lack a stowed position. See Figures 1-4 of Santaniello for the teaching that the passenger seat has blocks carried by a pair of rails. Ito et al. disclose a passenger seat including an enclosure 44 (Fig. 12) with a front wall, opposed top and bottom walls, opposed side walls, a rear opening, and a drawstring that defines a surface to support a passenger's foot, and a means for supporting the enclosure above the floor (see Fig. 8).

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(To be used when the space in any of the preceding boxes is not sufficient)

of spaced apart rails and movable to a use position, a means for preventing the foot bar from pivoting once in a desired position, and a non-slip surface on the footbar. Kishi et al. show a passenger seat similar to that of Santaniello wherein the block 3 (Fig. 3) with a rail 10 (Fig. 3) that is pivotally attached to the floor and movable between a stowed position and a use position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the passenger seat of Santaniello such that the rails are movable between an upwardly-extending stowed position and a use position wherein the rails extend along the floor, such as the passenger seat disclosed in Kishi et al. One would have been motivated to make such a modification in view of the suggestion in Kishi et al. that the blocks movable to a stowed position insure easy entry and exit of passengers.

Claims 19 and 20 lack an inventive step under PCT Article 33(3) as being obvious over Bell in view of U.S. Patent No. 5,967,602 to Ptak et al. Bell discloses a passenger seat that is basically the same as that recited claims 19 and 20 except that the support surface of the footrest lacks a grid of resilient strands. See Figure 6 of Bell for the teaching that the forward ends of rails are pivotally attached to the seat back. Ptak et al. show a passenger seat similar to that of Bell wherein the footrest has a support surface (Fig. 1) including a grid of resilient strands. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the passenger seat of Bell such that the support surface has a grid of resilient strands, such as the passenger seat disclosed in Ptak et al. One would have been motivated to make such a modification in view of the suggestion in Ptak et al. allows for resilient support of articles above the floor.